
**APPEALS BOARD
UTAH LABOR COMMISSION**

DEANA SHEPARD,

Petitioner,

vs.

E. A. MILLER,

Respondent.

**ORDER DENYING REQUEST
FOR RECONSIDERATION**

Case No. 02-1379

Deana Shepard asks the Appeals Board of the Utah Labor Commission to reconsider its prior decision denying Ms. Shepard's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Appeals Board exercises jurisdiction over this request for reconsideration pursuant to Utah Code Annotated § 63-46b-13.

BACKGROUND AND ISSUES PRESENTED

Ms. Shepard claims benefits for injuries to her left foot that allegedly resulted from a work accident at E. A. Miller on November 18, 2002. In its previous decision, the Appeals Board affirmed Judge Sessions' denial of Ms. Shepard's claim on the grounds that: 1) her work accident was not the medical cause of her continuing medical problems; and 2) she had rejected Miller's offer of light-duty work.

In asking the Appeals Board to reconsider its decision, Ms. Shepard again argues that the preponderance of medical evidence supports her claim for benefits. She also suggests that the medical record is incomplete and that she would benefit from additional medical tests. Finally, she repeats her argument that she did not refuse light-duty work but instead was discharged by Miller.

DISCUSSION

The arguments raised in Ms. Shepard's request for reconsideration were also raised in her initial motion for review. The Appeals Board, in its previous decision considered and rejected Ms. Shepard's arguments. Having reviewed this matter once again in connection with Ms. Shepard's motion for review, the Appeals Board finds no basis to revise its prior judgment.

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ORDER

The Appeals Board reaffirms its previous decision and denies Ms. Shepard's request for reconsideration. It is so ordered.

Dated this 26th day of March, 2008.

Colleen Colton, Chair

Patricia S. Drawe

Joseph E. Hatch

NOTICE OF APPEAL RIGHTS

Any party may appeal this Order to the Utah Court of Appeals by filing a Petition For Review with that Court within 30 days of the date of this Order.